

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. 77-95

ENFORCEMENT ORDER FOR ISSUANCE OF A TIME SCHEDULE

ORDER DIRECTING CITY OF SUNNYVALE TO COMPLY WITH
REQUIREMENTS PRESCRIBED BY THE CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD, SAN FRANCISCO
BAY REGION, IN ORDER NO. 77-94 (NPDES PERMIT NO. CA0037621)

The California Regional Water Quality Control Board, San Francisco Bay Region, finds that:

1. This Board on July 19, 1977 adopted Order No. 77- 94 prescribing waste discharge requirements including a compliance time schedule for the City of Sunnyvale (hereinafter "discharger") in accordance with statutory requirements of the Federal Water Pollution Control Act and the California Water Code. The permit contains a compliance date of July 1, 1977 for achieving secondary effluent limitations as required by the Federal Act, including more stringent effluent and receiving water limitations consistent with this Board's Basin Plan.
2. The discharger has submitted evidence which documents that the above requirements contained in amended Order No. 77- 94 cannot be achieved. The discharger has experienced delays beyond its control because of the grant process for construction of necessary facilities and the complexity of South Bay water quality problems.
3. The discharger has submitted a time schedule by which it can achieve the requirements contained in Order No. 77- 94 .
4. The Board has notified the discharger and interested agencies and persons of its intent to adopt a time schedule for compliance.
5. The Board in a public hearing heard and considered all comments pertaining to this discharger's ability to achieve compliance.

IT IS HEREBY ORDERED, that in accordance with Water Code Section 13300, the discharger shall comply with provision E.2.a. of Order No. 77- 94 in accordance with the following schedule:

<u>1. Task</u>	<u>Compliance Date</u>	<u>Report of Compliance Date</u>
Status Report on construction of tertiary treatment facilities.	-	November 1, 1977
Complete Construction	March 1, 1978	March 15, 1978
Full Compliance	May 1, 1978	May 15, 1978

2. This Order expires on June 1, 1978.

The Board declares that it shall not undertake further enforcement action to bring the discharger into compliance with secondary effluent limitations by July 1, 1977 as contained in Order No. 77- 94 provided:

- a. The discharger complies fully with all terms of the time schedule contained in this Order;
- b. The discharger complies fully with all terms of the permit with the exception of the Provision D.2.a.
- c. Circumstances do not occur which would warrant modification of the permit or time schedule; and
- d. Circumstances do not occur which would warrant an action under Section 504 of the Federal Water Pollution Control Act.

The action taken by this Board pertaining to the time schedule does not preclude the possibility of actions to enforce the permit by third parties pursuant to Section 505 of the Federal Water Pollution Control Act.

I, Fred H. Dierker, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on July 19, 1977.

FRED H. DIERKER
Executive Officer